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HOUSE BILL 839

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO HEALTH; COORDINATING THE AVAILABILITY OF HEALTH PROFESSIONALS IN UNDERSERVED AREAS; PROVIDING CERTAIN DUTIES FOR THE HEALTH PROFESSION ADVISORY COMMITTEE AND THE NEW MEXICO HEALTH POLICY COMMISSION; AMENDING CERTAIN SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-7-11.2 NMSA 1978 (being Laws 1991, Chapter 139, Section 2, as amended) is amended to read:

**"9-7-11.2. NEW MEXICO HEALTH POLICY COMMISSION
CREATED- - COMPOSITION- - DUTIES. - -**

A. There is created the "New Mexico health policy commission", which is administratively attached to the department of finance and administration.

B. The New Mexico health policy commission shall

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1 consist of eight members appointed by the governor with the
2 advice and consent of the senate to reflect the ethnic,
3 economic, geographic and professional diversity of the state.
4 No member of the commission shall have a pecuniary or
5 fiduciary interest in the health services industry for three
6 years preceding his appointment to the commission. Two
7 members shall be appointed for one-year terms, three members
8 shall be appointed for two-year terms, three members shall be
9 appointed for three-year terms and all subsequent appointments
10 shall be made for three-year terms.

11 C. The New Mexico health policy commission shall
12 meet at the call of the chairman and shall meet not less than
13 quarterly. The chairman shall be elected from among the
14 members of the commission. Members of the New Mexico health
15 policy commission shall not be paid but shall receive per diem
16 and mileage expenses as provided in the Per Diem and Mileage
17 Act.

18 D. The New Mexico health policy commission shall
19 establish task forces as needed to make recommendations to the
20 commission on various health issues. Task force members may
21 include individuals who have expertise or a pecuniary or
22 fiduciary interest in the health services industry. Voting
23 members of a task force may receive mileage expenses if they:

24 (1) are members who represent consumer
25 interests;

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1 (2) are individuals who were not appointed to
2 represent the views of the organization or agency for which
3 they work; or

4 (3) represent an organization that has a
5 policy of not reimbursing travel expenses of employees or
6 representatives for travel to meetings.

7 E. The New Mexico health policy commission shall:

8 (1) develop a plan for and monitor the
9 implementation of the state's health policy;

10 (2) obtain and evaluate information from a
11 broad spectrum of New Mexico's society to develop and monitor
12 the implementation of the state's health policy;

13 (3) obtain and evaluate information relating
14 to factors that affect the availability and accessibility of
15 health services and health care personnel in the public and
16 private sectors;

17 (4) expand the geographic access data system
18 to include collection, assessment and analysis of data on
19 behavioral and allied health professionals;

20 [~~(4)~~] (5) perform an annual inventory and
21 needs assessments on health personnel, health education, [~~and~~]
22 recruitment and retention and make recommendations regarding
23 the training, recruitment, placement and retention of health
24 professionals, including basic medical, dental, behavioral and
25 allied health professionals, in underserved areas of the

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1 state;

2 [~~(5)~~] (6) prepare and publish an annual
3 report describing the progress in addressing the state's
4 health policy and planning issues. The report shall include a
5 workplan of goals and objectives for addressing the state's
6 health policy and planning issues in the upcoming year;

7 [~~(6)~~] (7) distribute the annual report to the
8 governor, appropriate state agencies and interim legislative
9 committees and interested parties;

10 [~~(7)~~] (8) establish a process to prioritize
11 recommendations on program development, resource allocation
12 and proposed legislation;

13 [~~(8)~~] (9) provide information and analysis on
14 health issues;

15 [~~(9)~~] (10) serve as a catalyst and
16 synthesizer of health policy in the public and private
17 sectors; [~~and~~

18 ~~(10)~~] (11) respond to requests by the
19 executive and legislative branches of government; and

20 (12) provide staff services to the health
21 profession advisory committee created by Section 21-1-26.8
22 NMSA 1978. "

23 Section 2. Section 13-1-98 NMSA 1978 (being Laws 1984,
24 Chapter 65, Section 71, as amended) is amended to read:

25 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE. -- The
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1 provisions of the Procurement Code shall not apply to:

2 A. procurement of items of tangible personal
3 property or services by a state agency or a local public body
4 from a state agency, a local public body or external
5 procurement unit, except as otherwise provided in Sections
6 13-1-135 through 13-1-137 NMSA 1978;

7 B. procurement of tangible personal property or
8 services for the governor's mansion and grounds;

9 C. printing and duplicating contracts involving
10 materials [~~which~~] that are required to be filed in connection
11 with proceedings before administrative agencies or state or
12 federal courts;

13 D. purchases of publicly provided or publicly
14 regulated gas, electricity, water, sewer and refuse collection
15 services;

16 E. purchases of books and periodicals from the
17 publishers or copyright holders thereof;

18 F. travel or shipping by ~~common~~ carrier or by
19 private conveyance or to meals and lodging;

20 G. purchase of livestock at auction rings or to
21 the procurement of animals to be used for research and
22 experimentation or exhibit;

23 H. contracts with businesses for public school
24 transportation services;

25 I. procurement of tangible personal property or

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1 services, as defined by Sections 13-1-87 and 13-1-93 NMSA
2 1978, by the corrections industries division of the
3 corrections department pursuant to regulations adopted by the
4 corrections commission, which shall be reviewed by the
5 purchasing division of the general services department prior
6 to adoption;

7 J. minor purchases not exceeding five thousand
8 dollars (\$5,000) consisting of magazine subscriptions,
9 conference registration fees and other similar purchases where
10 prepayments are required;

11 K. municipalities having adopted home rule
12 charters and having enacted their own purchasing ordinances;

13 L. the issuance, sale and delivery of public
14 securities pursuant to the applicable authorizing statute,
15 with the exception of bond attorneys and general financial
16 consultants;

17 M contracts entered into by a local public body
18 with a private independent contractor for the operation, or
19 provision and operation, of a jail pursuant to Sections
20 33-3-26 and 33-3-27 NMSA 1978;

21 N. contracts for maintenance of grounds and
22 facilities at highway rest stops and other employment
23 opportunities, excluding those intended for the direct care
24 and support of persons with handicaps, entered into by state
25 agencies with private, nonprofit, independent contractors who

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1 provide services to persons with handicaps;

2 0. contracts and expenditures for services to be
3 paid or compensated by money or other property transferred to
4 New Mexico law enforcement agencies by the United States
5 department of justice drug enforcement administration;

6 P. contracts for retirement and other benefits
7 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

8 Q. contracts with professional entertainers; ~~[and]~~

9 R. contracts and expenditures for litigation
10 expenses in connection with proceedings before administrative
11 agencies or state or federal courts, including experts,
12 mediators, court reporters, process servers and witness fees,
13 but not including attorney contracts; and

14 S. contracts with health professionals signed
15 pursuant to the provisions of the Health Service Corps Act. "

16 Section 3. Section 21-1-26.8 NMSA 1978 (being Laws 1995,
17 Chapter 144, Section 1) is amended to read:

18 "21-1-26.8. HEALTH PROFESSION ADVISORY COMMITTEE--
19 CREATED-- DUTIES-- STAFF. --

20 A. The "health profession advisory committee" [~~is~~
21 ~~created to~~] shall advise the commission on higher education on
22 [~~matters relating to~~] the awarding and administration of
23 student loan programs for health professionals [~~The health~~
24 ~~profession advisory committee replaces the medical shortage~~
25 ~~area committee~~] and the department of health on selection of

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1 types of health professionals and practice sites pursuant to
2 the Health Service Corps Act.

3 B. The health profession advisory committee shall
4 be composed of a representative of the department of health; a
5 representative of the New Mexico health policy commission; and
6 representatives of public post-secondary health and medical
7 training programs, underserved health and medical area
8 providers, recruiting and placement organizations and
9 professional health and medical associations. Members shall
10 be appointed by the commission on higher education pursuant to
11 the policies and procedures of the commission.

12 C. The health profession advisory committee shall:

13 (1) designate [~~health professional shortage~~]
14 areas of the state underserved by health professionals and
15 identify high-needs populations;

16 (2) make recommendations to the commission on
17 higher education on applicants for medical, osteopathic,
18 nursing and allied health loan for service programs and loan
19 repayment programs; [~~and~~]

20 (3) provide direction to the department of
21 health on the need for health professionals to serve in the
22 health service corps; and

23 [~~(3)~~] (4) give advice or other assistance to
24 the commission as requested.

25 D. Staff for the committee shall be provided by

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1 the New Mexico health policy commission. "

2 Section 4. Section 24-1D-2 NMSA 1978 (being Laws 1994,
3 Chapter 63, Section 2) is amended to read:

4 "24-1D-2. DEFINITIONS. -- As used in the Health Service
5 Corps Act:

6 A. "committee" means the health profession
7 advisory committee created by Section 21-1-26.8 NMSA 1978;

8 ~~[A.]~~ B. "corps" means the New Mexico health
9 service corps;

10 ~~[B.]~~ C. "department" means the department of
11 health;

12 ~~[C.]~~ D. "health professional" means a physician,
13 physician assistant, nurse practitioner, nurse-midwife or
14 emergency medical technician-paramedic;

15 ~~[D.]~~ E. "physician" means a medical doctor or
16 doctor of osteopathic medicine;

17 ~~[E.]~~ F. "physician assistant" means a physician
18 assistant or osteopathic physician assistant; and

19 ~~[F.]~~ G. "practice site" means a public health
20 clinic or public or private nonprofit primary care clinic that
21 is ~~[located in a state-designated medically]~~ designated by the
22 committee as an underserved area or an area that serves a
23 high-needs population and that uses a sliding fee scale
24 approved by the department. "

25 Section 5. Section 24-1D-3 NMSA 1978 (being Laws 1994,

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1 Chapter 63, Section 3) is amended to read:

2 "24-1D-3. NEW MEXICO HEALTH SERVICE CORPS--STAFF--
3 DEPARTMENT POWERS AND DUTIES. --

4 A. The "New Mexico health service corps" is
5 created in the department to recruit and place health
6 professionals in [~~rural and other~~] service in medically
7 underserved areas and to high-needs populations. The
8 secretary of health may employ a medical director to head the
9 corps. The medical director may employ support staff and
10 employ or contract with health professional staff. Employees
11 are subject to the provisions of the Personnel Act.

12 B. The corps has the power to:

13 (1) enter into contracts to carry out the
14 provisions of the Health Service Corps Act and sue for
15 enforcement of those contracts; and

16 (2) adopt and file, in accordance with the
17 State Rules Act, rules [~~and regulations~~] to carry out the
18 provisions of the Health Service Corps Act.

19 C. Following recommendations of the committee, the
20 corps shall:

21 (1) recruit health professionals as employees
22 or contractors of the corps;

23 (2) determine physician specialties to be
24 recruited, with a focus on family practice physicians;

25 (3) establish criteria and procedures for the

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1 acceptance of applications and selection of recipients for
2 commitment stipends;

3 (4) establish criteria and procedures for
4 evaluating and qualifying corps health professionals;

5 (5) determine and maintain a list of eligible
6 communities and practice sites;

7 (6) determine the need for health
8 professionals at each practice site and assign staff as needed
9 on a priority basis;

10 (7) provide support for health professionals
11 at practice sites;

12 (8) work closely with the commission on
13 higher education and the educational assistance foundation to
14 coordinate the use of health professionals who have practice
15 obligations pursuant to the Medical Student Loan for Service
16 Act, the Osteopathic Medical Student Loan for Service Act or
17 the Nursing Student Loan for Service Act;

18 (9) work with the university of New Mexico
19 school of medicine, college of nursing, the emergency medical
20 services academy and any other entity to identify students or
21 residents who qualify for the corps; and

22 (10) establish accounting and auditing
23 procedures to account for all money paid to health
24 professionals or received from communities and practice
25 sites. "